REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-15 and 21-35 are in the application.

In the Official Action, the Examiner rejected claims 1-15 and 21-35 under 35 U.S.C. §103(a) as being allegedly unpatentable over Cameron (U.S. Patent No. 5,342,320).

Cameron is directed to a hypodermic syringe having a movable shield. The Examiner focused on the embodiment of Figs. 8-11 in formulating the rejection. With reference to Figs. 8-11 of Cameron, a syringe barrel, referred to as sleeve 18, is non-movably disposed within a housing 24. The housing 24 is rigidly fixed to the sleeve 18 by radially extending struts 32, 34, as shown in Fig. 1. (Col. 5, ll. 13-19; col. 8, ll. 28-33), thus preventing movement of the sleeve 18 (i.e., syringe barrel) with respect to the housing 24. Clamshell halves 46, 48, which form the needle shield, are disposed between the sleeve 18 and the housing 24. (Fig. 8). A spring 106 is also disposed between the sleeve 18 and the housing 24 which acts against thrust ring 104 formed above the clamshell halves 46, 48. (Col. 8, ll. 43-47). Leading edges 68, 70 of the clamshell halves 46, 48 are retained in an initial state, as shown in Fig. 8, by retaining shoulder 102. (Col. 8, ll. 34-42). The retention of the leading edges 68, 70 on the retaining shoulder 102

hold the clamshell halves 46, 48 against the bias of the spring 106. Plunger 12, which is formed to slide within the sleeve 18, includes outer actuating rods 110, 112 formed to be on the outside of the sleeve 18. (Col. 8, ll. 60-65). First and second stops 120, 122 are formed on the actuating rods 110, 112. (Col. 8, ll. 65-67).

To achieve actuation of the shield, plunger 12 is depressed as during a normal injection. At the same time, the actuating rods 110, 112 move downward along the external portion of the sleeve 18. With sufficient movement of the plunger 12, the stop members 120, 122 act against flange 40, as shown in Fig. 8. (Col. 8, ll. 67-col. 9, l. 7). Further downward movement of the plunger 12 causes the stop members 120, 122 to be forced past the flange 40, as shown in Fig. 9. (Col. 9, ll. 8-11). Simultaneously, lower ends 115, 116 of the actuating rods 110, 112 press against the leading edge portions 68, 70 of the clamshell halves 46, 48, thereby causing the leading edges 68, 70 to be released from the retaining shoulder 102. (Col. 9, ll. 15-26). Once released, the spring 106 forces the clamshell halves 46, 48 forwardly to a shielded position, as shown in Fig. 10. (Col. 9, ll. 27-36). At no time does the sleeve 18 move relative to the housing 24. Only the plunger 12 moves relative to the sleeve 18 and relative to the housing 24.

Claims 1, 12, 21 and 31 are the pending independent claims of the application. Claim 1 requires "a substantially cylindrical barrel" with "a needle cannula connected to an end of said

barrel" and "a shield", wherein "said barrel being operationally coupled to said shield such that sufficient axial movement of said barrel in the direction of said needle cannula causes axial movement of said shield relative to said holder". The sleeve 18 (i.e., barrel) in Cameron is fixed with respect to the housing, and consequently cannot move in the direction of the needle cannula. There is no axial movement of the sleeve 18 (i.e., barrel) in Cameron to cause axial movement of the clamshell halves 46, 48, as recited by the claim 1 of the present application. Rather, Cameron teaches that axial movement of the plunger 12 causes axial movement of the clamshell halves 46, 48.

Claim 12 requires "a holder"; "a syringe including a barrel, a needle secured to said barrel"; and "axial movement of said syringe towards said distal end of said holder [which] causes axial movement of said shield". Cameron does not disclose any movement of the sleeve 18 (i.e., barrel) relative to the housing 24. In fact, Cameron teaches away from applicants' claimed invention, as the sleeve 18 and housing 24 in Cameron are non-movably connected together. Again, in Cameron, it is axial movement of the plunger 12 which causes axial movement of the clamshell halves 46, 48. Claims 21 and 31 include similar limitations to claims 1 and 12. With the sleeve 18 being fixed rigidly to the housing 24 in Cameron, there is no disclosure or suggestion to have relative movement therebetween. Cameron clearly relies on the movement of the plunger 12, not the sleeve 18, for actuation. As noted above, it is respectfully

submitted that Cameron teaches away from applicants' invention, in that Cameron teaches a syringe barrel (i.e., sleeve 18) non-movably secured to a housing 24) - and applicants claim a syringe selectively movable within a housing. It is further respectfully submitted that claims 1, 12, 21 and 31, along with dependent claims 2-11, 13-15, 22-30 and 32-35, are patentable over Cameron.

The Examiner also provisionally rejected claims 1-15 and 21-35 on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 1-10 of co-pending Application No. 10/737,627. Applicants at this time refrain from addressing this rejection. This rejection will be moot if this case is first allowed.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,

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